

U.S. District Court - District of Colorado
District of Colorado (Denver)
CRIMINAL DOCKET FOR CASE #: 1:23-mj-00118-SBP All Defendants

Case title: USA v. Chavarria Garcia

Date Filed: 07/13/2023

Other court case number: 5:23-mj-00492-SM Western District of Oklahoma Date Terminated: 07/19/2023

Assigned to: Magistrate Judge Susan B. Prose

Defendant (1)**Luis Alfredo Chavarria Garcia***TERMINATED: 07/19/2023***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

21 U.S.C. § 846 Drug Conspiracy

Disposition**Plaintiff****USA**represented by **Laura Cramer-Babycz**

U.S. Attorney's Office

District of Colorado

1801 California Street

Suite 1600

Denver, CO 80202

303-454-0100

Email: Laura.Cramer-Babycz@usdoj.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Federal Agency Attorney*

Date Filed	#	Docket Text
07/13/2023	1	RULE 5 AFFIDAVIT from the Western District of Oklahoma as to Luis Alfredo Chavarria Garcia (1). (athom,) (Entered: 07/13/2023)
07/13/2023	2	Arrest of Luis Alfredo Chavarria Garcia. Initial Appearance - Rule 5 set for 7/13/2023 02:00 PM in Courtroom C205 before Magistrate Judge Susan Prose. (Text Only entry) (athom,) (Entered: 07/13/2023)
07/13/2023	3	Utility Setting/Resetting Deadlines/Hearings. The Initial Appearance as to Luis Alfredo Chavarria Garcia set for 7/13/2023 at 2:00 p.m. is vacated after receiving communication from the United States Marshal

		Service that Defendant was not being brought in. Text Only Entry (morti,) (Entered: 07/13/2023)
07/18/2023	4	ORDER as to Luis Alfredo Chavarria Garcia: Initial Appearance set for 7/19/2023 at 2:00 PM in Courtroom C201 before Magistrate Judge S. Kato Crews. With the approval of Crews Chambers, Defendant shall appear in-person in the Grand Junction, Colorado Courtroom/Courtroom 323 via VTC to Crews Courtroom. By District Judge Gordon P Gallagher on July 18, 2023. Text Only Entry (gpglc3,) (Entered: 07/18/2023)
07/19/2023	5	COURTROOM MINUTES for proceedings held before Magistrate Judge S. Kato Crews: Initial Appearance Rule 5 as to Luis Alfredo Chavarria Garcia held on 7/19/2023. Defendant present in custody by VTC from the courtroom in Grand Junction. Defendant advised. Court appoints counsel. Defendant reserves right to have identity, preliminary, and detention hearings held in charging district. The Court executes the Rule 5 Waiver form and receives consent from the defendant and defense counsel to sign on their behalf. Commitment to another district executed. Defendant is remanded to be sent to the Western District of Oklahoma. Advisement given pursuant to Brady v. Maryland. (Total time: 16 minutes, Hearing time: 2:03-2:19 p.m.) APPEARANCES: Valeria Spencer on behalf of the Government, Sarah Tenhoff (VTC) on behalf of the defendant, Jason Cohen (VTC) on behalf of pretrial. FTR: CRIMINAL DUTY PM. Interpreter: Cathy Bahr. (amont,) Text Only Entry (Entered: 07/19/2023)
07/19/2023	6	ORDER APPOINTING COUNSEL as to Luis Alfredo Chavarria Garcia by Magistrate Judge S. Kato Crews on 7/19/2023. Text Only Entry (amont,) (Entered: 07/19/2023)
07/19/2023	7	CJA 23 Financial Affidavit by Luis Alfredo Chavarria Garcia. (amont,) (Entered: 07/19/2023)
07/19/2023	8	WAIVER of Rule 5 & 5.1 Hearings by Luis Alfredo Chavarria Garcia (amont,) (Entered: 07/19/2023)
07/19/2023	9	COMMITMENT TO ANOTHER DISTRICT as to Luis Alfredo Chavarria Garcia. Defendant committed to the Western District of Oklahoma. Entered by Magistrate Judge S. Kato Crews on 7/19/2023. (amont,) (Entered: 07/19/2023)
07/19/2023	10	MAGISTRATE CASE TERMINATED as to Luis Alfredo Chavarria Garcia by Magistrate Judge S. Kato Crews on 7/19/2023. Text Only Entry (amont,) (Entered: 07/19/2023)
07/19/2023	11	Notice to Western District of Oklahoma of Rule 5 or 32 or 40 Initial Appearance: Please use PACER court links to access the public docket and documents. If the District of Colorado has a surrendered passport, it is being mailed to your court via USPS certified mail with return receipt. For a bond transmittal, please contact our case administration specialist at [cod.docketing.uscourts.gov] If you wish to designate a different email address for future transfers, please send your request to InterdistrictTransfer_TXND@txnd.uscourts.gov. as to Luis Alfredo Chavarria Garcia Your case number is:5:23-mj-00492-SM. (Text Only Entry) (amont,) (Entered: 07/19/2023)
07/19/2023	12	Arrest Warrant Returned Executed on 7/19/2023 in case as to Luis Alfredo Chavarria Garcia. (angar,) (Entered: 07/19/2023)

Printed name and title

District Court <u>Eagle</u> County, Colorado Court Address: <u>885 Chambers Avenue</u> <u>Eagle, CO 81631</u>		▲ COURT USE ONLY ▲
People of the State of Colorado v. Defendant: <u>Luis Alberto Chavarria Garcia</u> <i>DOB 6/20/88</i>		
Attorney or Party Without Attorney (Name and Address): _____ _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: <u>2023CR160</u> Division 1 Courtroom
WAIVER OF EXTRADITION PURSUANT TO §16-19-126, C.R.S.		

I Luis Alberto Chavarria Garcia (name of Defendant) have been advised that a warrant has been issued in Oklahoma (name of demanding state) and that:

☐ I am charged with a crime in another state and must answer to the following charges:

- ☐ I have allegedly escaped from confinement.
☐ I have allegedly broken the terms of my bail, probation or parole.
☐ I have allegedly broken the terms of any other conditional release.
☐ Other: _____

I have been advised and understand the following rights regarding the issuance and service of a warrant of extradition:

1. To have a bond set;
2. To demand and procure legal counsel;
3. To have counsel appointed to represent me;
4. To test the legality of my arrest;
5. To contest extradition; and
6. To apply for a Writ of Habeas Corpus, pursuant to §16-19-111, C.R.S.

I hereby voluntarily and knowingly agree and consent to return to the demanding state, and offer this written waiver of extradition pursuant to §16-19-126, C.R.S.

Date: ~~07/06/23~~ 07/06/23

Luis Alberto Chavarria Garcia
Signature of Defendant

I certify that the foregoing Waiver of Extradition was executed and subscribed by the Defendant in open court.

Date: _____

[Signature]
Signature of Judge

Approved and Authorized Date: s/Travis Leverett 6/26/23

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

United States of America v.)

LUIS ALFREDO CHAVARRIA GARCIA)

Case No. M-23-492-SM

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 9, 2023 in the county of Oklahoma in the
Western District of Oklahoma, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. § 846

Drug Conspiracy

This criminal complaint is based on these facts:

See attached Affidavit of Task Force Officer, Dion Porter, FBI, which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.


Complainant's signature

Dion Porter, Task Force Officer, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

6/29/23


Judge's signature

City and state: Oklahoma City, Oklahoma

SUZANNE MITCHELL, U.S. Magistrate Judge

Printed name and title

**WESTERN DISTRICT OF OKLAHOMA
OKLAHOMA CITY, OKLAHOMA**

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

AFFIDAVIT IN SUPPORT OF ARREST WARRANTS

I, Dion Porter, a Task Force Officer (TFO) of the Federal Bureau of Investigation (FBI), Oklahoma City Division, being duly sworn, depose and state as follows:

1. I am a TFO with the FBI and am empowered to conduct investigations and make arrest for violations of Title 21 of the United States Code. In addition, I am an Investigator with the Oklahoma City Police Department (OCPD) and have been employed as a peace officer with them since September 2002. During my tenure as a law enforcement officer, I have been involved in a wide variety of investigative matters, including numerous investigations targeting large criminal enterprises, most of which involved the unlawful distribution of narcotics in violation of 21 U.S.C. §§ 841(a)(1) and 846. As part of my drug-related investigations with the FBI, I have coordinated the execution of search and arrest warrants, conducted physical surveillance, coordinated controlled purchases with confidential sources and undercover officers, analyzed records documenting the purchase and sale of illegal drugs, and spoken with informants and subjects, as well as other local and federal law enforcement officers, regarding the manner in which drug distributors obtain, finance, store, manufacture, transport, and distribute their illegal drugs. Through my training and experience, I have become familiar with some of the manners in which

illegal drugs are imported, distributed, and sold, as well as the methods used by drug dealers to disguise the source and nature of their profits.

2. The facts set forth in this Affidavit are based upon my personal knowledge, knowledge obtained from other law enforcement personnel, review of documents related to this investigation, communications with other individuals who have personal knowledge of the events and circumstances described herein, and information gained through training and experience. Since this Affidavit is being submitted for the limited purpose of seeking a complaint and arrest warrants against the individuals named below, I have not included every fact known to me concerning this investigation. Rather I have set forth only the facts I believe are essential to establish the foundation necessary to support the complaint and arrest warrants.

PURPOSE OF AFFIDAVIT

3. I make this affidavit in support of a criminal complaint and arrest warrant for **Luis Alfredo Chavarria Garcia** (“GARCIA”) for conspiring to possess with intent to distribute and to distribute 500 grams or more of a mixture or substance containing methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substances, in violation of 21 U.S.C. § 846.

BACKGROUND OF INVESTIGATION

4. A joint investigation being conducted by the Oklahoma City Police Department (OCPD) and the Federal Bureau of Investigation (FBI) Oklahoma City, has revealed a criminal enterprise involved in the importation, transportation, and distribution

of controlled substances—specifically, methamphetamine. During this investigation, law enforcement identified **GARCIA** as a local source of supply for fentanyl and methamphetamine.

5. Information developed during this investigation indicates that **GARCIA** traffics in redistribution quantities of fentanyl and methamphetamine.

6. On February 9, 2023, in Eagle County, Colorado. Eagle County Sheriff's Deputy Jaramillo was monitoring EB traffic at MM 136, when he observed a silver Toyota approaching his location. The Toyota made an unsafe lane change causing a semi-truck to break hard to avoid contact with the vehicle. Deputy Jaramillo conducted a traffic stop on this vehicle, a silver 2021 Toyota Corolla bearing Oklahoma tag KVS-362.

7. Deputy Jaramillo made contact with Juan Rodriguez-Aguilar (**AGUILAR**) and told him the reason for the stop and noticed **GARCIA** was so nervous he was shaking. Deputy Jaramillo also asked them for the vehicle registration which they produced. Deputy Jaramillo also noticed that **AGUILAR** appeared extremely nervous. When asked where they were traveling from **GARCIA** and **AGUILAR** gave Deputy Jaramillo conflicting stories that was not consistent with the License Plate Reader Data (LPR) of their vehicle.

8. Deputy Jaramillo asked **GARCIA** and **AGUILAR** if there were any weapons or drugs in the vehicle. Deputy Jaramillo then asked more directly if there were any methamphetamine, cocaine, heroin, or pills in the vehicle. **GARCIA** said no, but that he had a little marijuana. Since the vehicle belonged to **GARCIA'S** wife, Deputy Jaramillo

asked **GARCIA** if it would be okay for him to search the vehicle. **GARCIA** told Deputy Jaramillo more than once during the exchange “it’s up to you”. Deputy Jaramillo explained to **GARCIA** that he was asking for consent and that he could not answer the question for him. Deputy Jaramillo could not get a definitive answer and elected to utilize his K9 partner Zane. As Deputy Jaramillo walked to get Zane, **GARCIA** told him that he had a bag in his car that contained drugs and that he was being paid to transport it from one location to another. Deputy Jaramillo asked **GARCIA** if he would give him permission to open the trunk of the car and then he could point out where the bag was. **GARCIA** pointed and said, “it’s right there.” Deputy Jaramillo retrieved K9 Zane and preformed an open-air sniff of the vehicle and alerted to the presence of narcotics.

9. A search of the vehicle was conducted based on the positive alert from K9 Zane and **GARCIA** admitting there were drugs in a bag inside the vehicle. The search revealed 50 individual packages with a substance that later had a presumptive positive test for the presence of methamphetamine. The methamphetamine had a total gross weight of approximately 23,260 grams or 51.28 pounds. Also recovered in the search were .6 grams of suspected cocaine, 1 iPhone and 2 Samsung cellphones, \$676.00 US Currency, and 2 plastic bags wrapped in plastic containing (934) suspected methamphetamine.

10. In a post-arrest statement, **GARCIA** told law enforcement that the load of methamphetamine was bound for Oklahoma City, where he resided. A search of **GARCIA**’s cell phone corroborated that he was in contact with Oklahoma City-based drug traffickers and/or money launderers and that the methamphetamine he was transporting

across Colorado was likely bound for Oklahoma City. Further, before **GARCIA** was arrested in Colorado, law enforcement officers in Oklahoma City observed **GARCIA** meeting with other individuals in the Oklahoma City area and conducting what appeared, based on my training, experience, and knowledge of the investigation, to be drug or drug proceed exchanges.

CONCLUSION

11. Based upon my training and experience, and the forgoing information, I believe there is probable cause that **GARCIA** conspired to distribute and possess with intent to distribute more than 500 grams of a mixture or substance containing methamphetamine, its salts, isomers, and its salts of its isomers, and is a Schedule II controlled substances, in violation of 21 U.S.C. § 846. It is therefore requested that arrest warrants be issued for the offense listed above.



Dion Porter
Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn to before me this 29th day of June 2023 at Oklahoma City,
Oklahoma.



SUZANNE MITCHELL
U.S. Magistrate Judge

CRIMINAL COVERSHEET
U.S. District Court, Western District of Oklahoma

Petty ☐ Misdemeanor ☐ Felony ☒ USAO No.: _____ Case No.: M-23-492-SM

Charging Document: Complaint No. of Defendants: 1 Total No. of Counts: 1 Sealed: Y ☐

Forfeiture: Y ☐ OCDETF: Y ☒ McGirt: Y ☐ Warrant ☒ Summons ☐ Notice ☐ N ☒
N ☒ N ☐ N ☒ Companion Case No. (if any): _____

DEFENDANT INFORMATION:

By: cb

Name: Luis Alfredo Chavarria Garcia			
Alias(es):		Address: Oklahoma City OK 73108	
		FBI No.:	
DOB: 1988	SSN: XXX-XX-XXX	Race: Black	Interpreter: Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Sex: M <input type="checkbox"/> F <input type="checkbox"/>	Juvenile: Y <input type="checkbox"/> N <input type="checkbox"/>	Language/Dialect: English	

DEFENDANT STATUS/RECOMMENDATION:

PRIOR MAGISTRATE

JUDGE PROCEEDINGS:

<input checked="" type="checkbox"/> Not in Custody <input checked="" type="checkbox"/> Detention Requested <input type="checkbox"/> Type of Bond: _____ <input type="checkbox"/> In Custody at: _____ Inmate/Prisoner/Register No.: _____	Complaint: Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Magistrate Judge Case No.: MJ- Previously Detained: Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
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ATTORNEY/AGENCY INFORMATION:

<input type="checkbox"/> Public Defender <input type="checkbox"/> CJA Panel <input type="checkbox"/> Retained	Name: _____ Address: _____ Phone: _____	AUSA: <u>Travis Leverett</u> Agent /Agency: <u>FBI</u> Local Officer/Agency: _____
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CHARGING DETAILS

<u>Count(s)</u>	<u>U.S.C. Citation(s)</u>	<u>Offense(s) Charged</u>	<u>Penalty</u>
1	21 U.S.C. § 846	Drug Conspiracy	21 U.S.C. § 841(b)(1)(A) – NLT 10 years and NMT Life imprisonment; \$10,000,000 fine, or both; NLT 5 years S/R; \$100 S/A

Signature of AUSA: s/Travis Leverett

Date: 06/29/2023

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America

v.

Luis Alfredo Chavarria Garcia

Defendant

Case No. 23-mj-118-SFCharging District's Case No. 5: 23-mj-492-SMWAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)I understand that I have been charged in another district, the (name of other court) Western District
of Oklahoma

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 7-19-23S/Luis Alfredo Chavarria Garcia by Magistrate Judge S. Kato Crows
Defendant's signature as authorized on the recordS/Sarah Tenhoff by SKS as authorized on the record.
Signature of defendant's attorneySarah Tenhoff

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America

v.

Luis Alfredo Chavarria Garcia*Defendant*Case No. 1:23-mj-00118-SKC

Charging District's

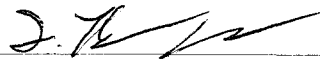
5:23-mj-00492-SM

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Western District of Oklahoma, Division. The defendant may need an interpreter for this language:SpanishThe defendant: ☐ will retain an attorney.☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 7-19-23*Judge's signature*S. Kato Crews, United States Magistrate Judge*Printed name and title*

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

United States of America
v.
LUIS ALFREDO CHAVARRIA GARCIA

Case No. M-23- **492** -SM

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) LUIS ALFREDO CHAVARRIA GARCIA,
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

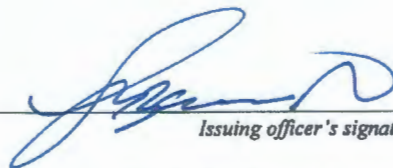
This offense is briefly described as follows:

Drug Conspiracy, in violation of Title 21, United States Code, Section 846

Date:

6/29/23

Issuing officer's signature

City and state: Oklahoma City, Oklahoma

Suzanne Mitchell, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 07/18/2023, and the person was arrested on (date) 07/19/2023
at (city and state) Eagle, CO.

Date:

07/19/2023

Arresting officer's signature



Dustin McWhorter, Special Agent, FBI

Printed name and title